

### **REMARKS**

Claims 1-19 are now pending in the application. New Claim 20 is presented herein for consideration. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Claims 7 and 10 were objected to by the Examiner. Applicants have amended Claims 7 and 10 as requested by the Examiner. Applicants believe that the Objection is now moot.

The Examiner states that Claim 9 would be allowable if rewritten in independent form. Claim 9 was originally dependent upon Claims 1 and 2. Applicant(s) have amended claim 9 to include the limitations of Claim 1 but not Claim 2. None of the references show, teach or suggest partial or half silvered layers. Applicant believes that Claim 9 is still in condition for allowance.

### **REJECTION UNDER 35 U.S.C. § 112**

Applicant traverses the rejection of Claim 11 under 35 U.S.C. §112. Applicants deleted the language identified by the Examiner. Applicant believes that this rejection is now moot.

### **REJECTION UNDER 35 U.S.C. §103**

Applicant traverses the rejection of Claims 1-5, 10-13, 16 and 17 under 35 U.S.C. §103 as being obvious over Murakami (U.S. Pat. No. 5,811,174) in view of Burnell-Jones.

Claims 1, 12 and 16 recite first and second planar light transmissive layers that include glass. Murakami '174 fails to show, teach or suggest the use of first and second layers including glass. Murakami '174 discloses the use of layers made of a transparent resin. Burnell-Jones does not remedy the shortcomings of Murakami '174 in this respect.

The use of glass has several advantages. Glass is a rigid structure that is more suitable for certain applications such as for the brick paver applications. Resins such as plastic tend to bend, particularly when the plastic is thin as disclosed in Murakami '174. Resins such as high quality plastic may cost more than glass having a similar thickness. Resins such as plastic also tend to scratch easily and attract dust and dirt.

Claims 1, 12 and 16 also recite a continuous planar layer of luminous material. The phosphorescent material 36 in Murakami '174 is not continuous. The phosphorescent material 36 starts and stops in several locations along the length of the first and second resinous layers 2b and 4, respectively. The use of the discontinuous phosphorescent material disclosed in Murakami '174 is not practical in conjunction with the claimed first and second glass layers.

In Claims 3 and 12, the continuous layer of luminous material has a thickness in the range of 0.01 to 0.15 inches. The phosphorescent material in Murakami '174, however, has a disclosed thickness of 50-250 microns. **Col. 4, lines 61-65.** The minimum claimed thickness (0.01 inches) corresponds to 254 microns and the maximum claimed thickness (0.15 inches) corresponds to 3810 microns. Thus the minimum claimed layer thickness exceeds the maximum disclosed layer thickness in Murakami '174.

In Claims 11 and 12, the first and second planar light transmissive materials have a combined thickness that is greater than 0.0375 inches and less than 1.24 inches. In Murakami '174, the combined thickness of the first resinous layer (range 50 to 100 microns – **Col. 4, lines 37-60**) and the second resinous layer (range 100 to 400 microns **Col 5, lines 11-21**) is 150 to 500 microns.

The minimum combined thickness of the claimed first and second light transmissive materials is almost twice as thick as the maximum combined thickness that is disclosed in Murakami '174. Murakami '174 also teaches increasing the thickness of the resinous layers beyond the proposed ranges will reduce the efficiency of the phosphorescent article. **Col. 4 lines, 46-60**. Thus, Murakami '174 teaches away from the claimed ranges.

In the specification, Applicant described an overall thickness of 3/16 inches to 1-1/4 inches. The minimum combined thickness of the first and second planar light transmissive layers occurs when the overall thickness is 3/16 and the luminous layer is at the maximum thickness of 0.15 inches. 3/16 inches minus 0.15 inches is equal to 0.0375 inches (or 952.5 microns). The maximum thickness of the first and second planar light transmissive layers occurs when the overall thickness is 1-1/4 inches and the luminous layer has a minimum thickness of 0.01 inches. 1.25 inches minus 0.01 inches is equal to 1.24 inches (31496 microns).

For the foregoing reasons, Applicants believe that Claims 1, 3, 11, 12 and 16 are allowable over the prior art of record. The remaining Claims are either directly or indirectly dependent upon Claims 1, 3, 11, 12 and 16 and are therefore allowable for the same reasons.



CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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